

Attorney Docket No.: KUZ0029US.NP
Inventors: Shirai et al.
Serial No.: 10/575,562
Filing Date: April 12, 2006
Page 6

REMARKS

Claims 1-3 and 5-9 were pending in the instant application. Claims 1-3 and 5-9 have been rejected. Claims 1, 7 and 8 have been amended. Claim 5 and 6 have been canceled. New claim 10 has been added. Support for these amendments is provided in the specification at, for example, paragraphs [0001], [0005], [0010], [0013], [0014], [0016], [0032]-[0043] and [0056]. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Objection to Claim 7

Claim 7 has been objected to as depending upon canceled claim 4. Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended claim 7 to delete dependency on claims 4, 5 and 6.

Withdrawal of this objection is respectfully requested.

II. Rejection of Claims under 35 U.S.C. 103(a)

Claims 1-3, 5, 6 and 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lipman (U.S. Patent Application Publication No. 2004/0243042) in view of Kuniya (U.S. 2002/0045043) and Lipman (U.S. Patent 6,326,421) as

Attorney Docket No.: **KUZ0029US.NP**
Inventors: **Shirai et al.**
Serial No.: **10/575,562**
Filing Date: **April 12, 2006**
Page 7

evidenced by Yano et al. (U.S. Patent 5,556,636) and by Tabar et al. (U.S. Patent 4,419,480) has been maintained.

Claim 8 has also been rejected under 35 U.S.C. 103(a) as being unpatentable over Lipman (U.S. Patent Application Publication No. 2004/0243042) in view of Kuniya and Lipman (U.S. Patent 6,326,421) as evidenced Tabar et al. (U.S. Patent 4,419,480) as applied to claims 1-3, 5-7 and 9, and further in view of Yano (U.S. Patent 4,421,737).

Applicants respectfully traverse these rejections.

At the outset, it is respectfully pointed out that the claims have been amended to recite a pressure-sensitive adhesive composition for use as a percutaneous preparation which comprises: (a) drug, (b) polyisoprene, (c) a styrene/isoprene/styrene copolymer, and (d) solid polyisobutylene, in a proportion of (15-50)/(25-50)/(30-50) parts by weight relative to the total weight of (b), (c) and (d) and further contains a non-solid isobutylene polymer and a petroleum resin type tackifier, characterized in that the amount of the non-solid isobutylene polymer is 5 to 25 parts by weight per 100 parts by weight of the sum of (b), (c) and (d), wherein the content of the petroleum resin type tackifier is in a proportion of 10-80 parts by weight relative to the total weight of (b), (c) and (d), thereby

Attorney Docket No.: **KUZ0029US.NP**
Inventors: **Shirai et al.**
Serial No.: **10/575,562**
Filing Date: **April 12, 2006**
Page 8

exhibiting a removal resistance to water. Support for the amendment is provided in, for example, paragraphs [0001], [0005], [0010], [0013], [0014] and [0056] of the instant specification.

In no way does the cited combination of references render obvious the instant claimed invention.

Teachings of the primary reference of Lipman (U.S. Patent Application Publication No. 2004/0243042) relate to a facial mask, not a pressure-sensitive adhesive composition for use as a percutaneous preparation which comprises a drug and which exhibits a removal resistance to water. The functional characteristics required for a facial mask such as taught by Lipman totally differ from the functional characteristics required for a pressure sensitive adhesive composition used in a percutaneous preparation to deliver a drug. For example, removal resistance toward water is irrelevant to the function of a facial mask but is extremely relevant to function of a percutaneous preparation for drug delivery. Accordingly, teachings of the primary reference of Lipman provide no reasonable expectation of success with respect to the instant claimed pressure-sensitive adhesive composition for use as a percutaneous preparation.

Secondary references fail to remedy this deficiency.

Attorney Docket No.: **KUZ0029US.NP**
Inventors: **Shirai et al.**
Serial No.: **10/575,562**
Filing Date: **April 12, 2006**
Page 9

Further, the Examiner acknowledged during the Telephone Interview conducted on November 24, 2009 that Lipman does not expressly teach the claimed ratio of polyisoprene, a styrene/isoprene/styrene copolymer, and solid polyisobutylene set forth in the claims. Instead, the Examiner suggested that "Lipman's teaching encompasses the claimed ratio, given Lipman's total amount of adhesive and the teaching that more than one of the taught adhesive components can be used." However, nowhere does Lipman expressly teach or suggest combining polyisoprene, a styrene/isoprene/styrene copolymer, and solid polyisobutylene in a ratio of (15-50)/(25-50)/(30-50) parts by weight relative to the total weight of these three components. In fact, none of the facial masks taught in the examples of Lipman contained all three of these ingredients. Further, examples of Lipman containing polyisoprene or styrene/isoprene/styrene contained much lower percentages than the (15-50) and (25-50) parts by weight of the instant claimed invention. The presence of these three components at the claimed ratios is demonstrated in the specification to be necessary for the property of removal resistance toward water of the claimed pressure-sensitive adhesive compositions for use as percutaneous preparations. See

Attorney Docket No.: **KUZ0029US.NP**
Inventors: **Shirai et al.**
Serial No.: **10/575,562**
Filing Date: **April 12, 2006**
Page 10

Tables 1, 2 and 3 at pages 28-30 of the instant specification. The criticality of the specific claimed components in achieving favorable removal resistance toward water demonstrated in the instant specification and claimed clearly overcomes any prima facie case of obviousness over the combinations of cited references.

Withdrawal of these rejections under 35 U.S.C. 103(a) is respectfully requested.

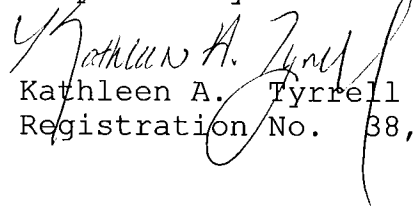
III. Supplemental IDS

Applicants are submitting herewith a supplemental IDS.

IV. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


Kathleen A. Tyrrell
Registration No. 38,350

Date: **December 21, 2009**

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515